

**Upper Clark Fork River Basin Steering Committee**  
**Meeting Summary**  
**March 25, 2008**

**Introductions**

Gerald Mueller and members of the Upper Clark Fork River Basin Steering Committee (Steering Committee) introduced themselves. Those in attendance included:

**Members**

Bob Benson  
Mike McLane  
Carol Fox  
Marci Sheehan  
Holly Franz  
Jim Dinsmore  
Bob Bushnell  
Senator Dave Lewis  
Jules Waber

**Group/Organization Represented**

Clark Fork Coalition  
Montana Department of Fish, Wildlife and Parks (DFWP)  
Natural Resource Damage Program (NRD)  
Atlantic Richfield (ARCO)  
PPL Montana  
Granite Conservation District  
Lewis and Clark Conservation District  
Lewis and Clark County  
Powell County

**Agency Personnel**

Curt Martin                      Montana Department of Natural Resources and Conservation

**Staff**

Gerald Mueller                      Facilitator

**Agenda**

- Review summary of the February 13, 2008 Meeting
- Updates
  - Water Policy Interim Committee (WPIC)
  - Water Supply and Growth in the Clark Fork River Basin Conference
  - Clark Fork River Reconnection Project
  - Steering Committee Budget
- Domestic Water Use Growth
- State of Georgetown Lake Natural Resources Damage Program Application
- Public Comment
- Next Meeting

**February 13, 2008 Meeting Summary**

The Steering Committee made no changes to the meeting summary.

**Updates**

WPIC - Holly Franz reported on the March 12 & 13, 2008 WPIC meeting. Assistant Professor Michelle Mudd, the director of the University of Montana Law School Land Use Clinic, suggested to WPIC that cities and counties be authorized to specify where water development should occur within the city or county growth policy. The status on the eight discussion bill drafts, LC5001 - 5008 is as follows:

- LC5001, “Accelerated Permitting Bill” - DNRC will be convening a group to consider the content of this bill plus some other issues.
- LC5002, “Notice of Intent to Drill Bill” - No further consideration will be given to this bill draft.
- LC5003, “Enforcement Bill” - No further consideration will be given to this bill draft. The Attorney General will be asked to report at the next WPIC meeting regarding plans he may have for water right enforcement.
- LC5004, “Community Water and Sewer Incentive Bill” - Myra Shults will convene a working group on April 1, 2008 including representatives of Legislative Services, DNRC, DEQ, and the home builders and Realtors to consider this draft and LC5006.”
- LC5005, “MDT Reservation Bill” - This bill will be reconsidered at the next meeting. Any alternatives that would meet the Montana Department of Transportation’s objectives will be considered. Rep. McChesney, who is retired MDT administrator, supports LC5005.
- LC5006, “The Subdivision and Water Right Disconnect Bill” - See LC5004.
- LC5007, “Ground Water Data Gathering Bill” - WPIC supports this bill draft.
- LC5008, “Issue Remarks Bill” - No further consideration will be given to this bill draft.

#### Water Supply and Growth in the Clark Fork River Basin Conference

Gerald Mueller reported on this conference which was co-sponsored by the Clark Fork River Basin Task Force, the Montana Association of Counties, DNRC, DEQ, and the UM Department of Geography, and was held on March 10-11, 2008 at the University of Montana. Although the tally is not complete, some 130 people registered for the conference. The conference agenda included presentations on basic water law, basin water supply facts, basin economic and demographic forecasts, growth management, and issues related to growth and the water supply. Copies of conference presentations as well as a digital audio recording will be posted on the Task Force web site at:

[http://dnrc.mt.gov/wrd/water\\_mgmt/clarkforkbasin\\_taskforce/default.asp](http://dnrc.mt.gov/wrd/water_mgmt/clarkforkbasin_taskforce/default.asp).

Clark Fork River Reconnection Project - Carol Fox reported that since the February 13, 2008 Steering Committee meeting, NRDP staff have met with Dennis Workman to decide how best to proceed with this project. NRDP is considering using Mr. Workman to focus on locating irrigation diversions from the river and reconnecting the river to its tributaries, mostly in the reach from about Drummond to Milltown Dam. This work appears to be the best compliment to DFWP activities at present. NRDP may hire Mr. Workman as a temporary employee to carry out the work, in coordination with DFWP. Mr. Workman is developing a scope of work that will include landowner contracts and assessing possible tributary reconnections. At this point, an application for a project development grant from the Steering Committee via Granite Conservation District does not appear necessary.

*Question - Do you know if the comment period on the recent settlement will be extended?*

Answer - I have not heard that it will.

Steering Committee Budget - Gerald Mueller was contacted by Rich Moy, DNRC Water Management Bureau Chief, about the level of the budget level to include in the department’s budget request. Mr. Mueller recommended keeping the current amount, \$20,000 per year for the next biennium. Curt Martin stated that since the Steering Committee will not be contracting with Mr. Workman to prepare a project development grant for the Clark Fork River Reconnection Project, all of the funds for the current year will not be expended. Also, DNRC had set aside

about \$5,000 to convene a meeting of all of the Clark Fork River basin watershed groups. This meeting has not happened and these funds are also unspent.

*Comment - Mr. Mueller could contact Mr. Workman to see if he would need any equipment or maps that might be purchased through the Steering Committee budget.*

Response by Mr. Mueller - I will do so.

*Comment - It is often the case in the budget process that funds not expended in a previous budget are dropped from the next one.*

Response by Mr. Mueller - The Steering Committee has a history of frugality with its budget. We returned funds to the Renewable Grant and Loan Program from a grant that we did not expend all of.

## **Domestic Water Use Growth**

Mr. Mueller stated that the Steering Committee began discussing this topic in connection with Dr. Walter Hill's request that the basin closure be amended to allow an exception for municipalities, so that Seeley Lake can apply for a new water right to meet the growing demands on its water system. Mike McLane reported that he has identified about 30 existing water rights that Seeley Lake might seek to obtain to expand its water use. Of these, four or five appear to be particularly promising. He noted that Plum Creek is evaluating the best use of its lands near Placid Lake and may develop them. By obtaining existing rights, the Seeley Lake water district might become a regional water supplier.

*Question - What happens to a subdivision that has received a final plat, if the rules regarding exempt wells are changed, so that exempt wells would no longer be available?*

Answer by Mike McLane - Colorado did change its rules, but exempted subdivisions with existing plats.

*Comment - It is unlikely that the legislature would change the rules without grandfathering subdivisions with existing plats from the changes.*

*Comment - Arizona also has a 35 gallons per minute, 10 acre-feet per year exemption for wells, but ground water appropriations in that state are not subject to the prior appropriation doctrine. In Utah, permits are required for everything. The other states, except for Montana, all provide some sort of priority for domestic water use.*

*Comment - The disposition of Plum Creek lands will drive everything.*

*Comment - We need to find some way to provide for growth in domestic water use as development occurs within the context of the prior appropriation system.*

*Comment - While Montana does not have a formal domestic use priority, it does have exempt wells. DNRC has stated publicly that enforcing priority dates against individual domestic wells would be difficult.*

*Comment - Individual wells are often discussed together with individual septic systems. What about individual wells and community septic systems to protect human health?*

*Comment - Existing regulations allow septic mixing zones to extend beyond property boundaries which allows the potential for a person to dig a well on her or his property in his neighbor's septic plume. Requiring septic system mixing zones to be confined to one's own property is another way to address the individual well and septic from a water quality perspective.*

*Comment - Both Helmville and Elliston recently drilled new wells and have experienced coliform contamination. The source of the contamination has not been determined. The Helmville well also does not meet federal and state 10 parts per billion (ppb) arsenic standards, which are not based on good science. Concentrations in the Helmville well are at 23 ppb. Meeting the arsenic standard may cost about \$23,000.*

*Comment - Both Butte and Philipsburg appear to have adequate water supplies. Deer Lodge drilled a well after the basin closure, but before surface and ground water interaction requirements were tightened. Drummond, Ovando, Hall, Maxville, Seeley Lake, and Lincoln all depend on single wells. I propose that next September or October, the Steering Committee convene a dialogue with basin communities to introduce and discuss the idea of future water supplies.*

*Comment - I suggest that we pull together information about existing supplies and the issues surrounding expanding supplies in a white paper, similar to our adjudication and Milltown Dam water right papers.*

***Steering Committee Action - In the absence of apparent agreement on how to proceed, the Steering Committee agreed to revisit this topic after Mike McLane's report at the April meeting on ideas for addressing the Seeley Lake water supply growth.***

## **State of Georgetown Lake Natural Resources Damage Program Application**

Gerald Mueller stated that the Steering Committee previously agreed to cosponsor the application to the NRD Program for a study of the State of Georgetown Lake along with the Granite Headwaters Watershed Group, the Georgetown Homeowners Association, and Granite Conservation District. Mr. Mueller gave a power point presentation, the content of which is included in Appendix 1 below, and asked for any comments or concerns about the study from Steering Committee members. There were no comments or concerns.

## **Public Comment**

Jim Dinsmore noted that the Montana Water Court will be having separate meetings to discuss the possibility of enforceable decrees with uses on Racetrack, Dempsey and Willow Creeks. The Willow Creek meeting is scheduled for April 15, 2008.

## **Next Meeting**

The next meeting is scheduled for Wednesday, April 23, 2008 in Deer Lodge. The agenda will include Mike McLane's presentation on the Seeley Lake water supply alternatives and the basin water supply picture.

## Appendix 1

Slide 1



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Slide 2

Major Goals

- Evaluate long term trends in environmental quality
- Document current conditions for future reference
- Prepare a monitoring plan

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Slide 3

Study Design

- 2 year study
  - Help capture natural variability
  - More data to compare with past research
- 2 main sites
  - Deep hole – lots of past data
  - Piney Point – some past data, central location
- 2 extra sites for dissolved oxygen
  - Comers Point
  - Denton's Point

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- NRD - \$104,994.80
- DEQ - \$40,571.05
- Total - \$145,565.85

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- Provides basis for comparison
- Little done in last 20 years
  - Some DEQ & FWP data
- Much done in 1970's & 1980's
  - Mostly MSU grad students

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Slide 7

Long Term Dissolved Oxygen Trends

- Key Issues
  - Low DO kills fish
    - Under ice
    - Late summer/early fall
  - Low DO increases release of sediment nutrients
- Approach
  - Deep hole: 1970's – early 1990's various
  - Comer Point: 1970's – 2004 FWP
  - Piney Point: future reference

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Slide 8

Relationships Exist between Environmental

- Key Issue
  - Do Relationships Exist between Environmental Conditions and Winter Dissolved Oxygen?
- Approach
  - Winter DO at Comers Point & Denton's Point
  - Onset of ice date (fall temperatures)
  - Reservoir elevation
  - Thickness of snow/ice
    - Blocks light

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Slide 9

What Are the Long Term Nutrient Trends?

- N & P stimulate plant growth
  - Phytoplankton (algae)
  - Macrophytes



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Slide 10

Long Term Nutrient Trends

- Key Issues
  - Dissolved oxygen
  - Water clarity
  - Weeds in your toes/lure/props etc.
- Approach
  - Sample at deep hole & Piney Point
  - Sample monthly on Flint Creek (DEQ funding)
  - Compare with historical data
    - Mostly 1970s & 1980s

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Slide 11

Do Septic Plumes Have Elevated Nutrients/Bacteria?



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Slide 12

Septic Plumes

- Key Issues
  - Nutrients again
  - Pathogens in water
- Approach
  - Locate septic plumes with fluorometer
  - Compare nutrient & bacteria levels in/out of plumes
  - DEQ funding

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Slide 13

Long Term Trends in Macrophyte Coverage and Biomass?

- Key Issue
  - Are weeds getting more abundant?
- Approach
  - Compare coverage of weeds from 3 sites monitored in 1975 & 1981
  - Compare biomass from 0.5 m<sup>2</sup> plots at 3 sites sampled in early 1980s

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Slide 14

Do Septic Plumes Have More Macrophytes or Phytoplankton?

- Key Issue
  - Are added nutrients increasing inshore plants?
- Approach
  - Aerial photographs of weeds in areas with and without septic plumes
  - Chlorophyll-a for phytoplankton

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Slide 15

Long Term Trends in the Phytoplankton

- Key Issues
  - DO & water clarity issues
  - Species composition
    - Blue Green Algae
      - Low food value
      - Toxins, odors, nuisance blooms

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Slide 16

Long Term Trends in the Phytoplankton

- Approach
  - Algal biomass
    - Chlorophyll-a trends
      - Deep hole 1970s & early 1980s
  - Secchi depths
    - Limited historical data located to date
    - Future reference/citizen monitoring?
  - Species composition
    - Biovolume of algal groups at deep hole

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Slide 17

Long Term Trends in the Fishery

- Key Issues
  - Trends in fishery, particularly brook trout
- Approach
  - Summarize FWP winter creel & gill net data
    - Species composition
    - Catch rates
    - Size

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Slide 18

What Metals Data Exist and do they Exceed Current Health Guidelines?

- Key Issues
  - Metals can impair/kill aquatic life
  - Human exposure through water
  - Human exposure through eating fish, especially mercury
- Approach
  - Summarize existing metal data
  - Compare against current health standards

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Slide 19

Mercury Concerns

- #1 cause of fish consumption advisories
- Existing mercury data suggests Hg is not a major issue
  - Small/medium trout generally have low Hg
  - Big warm water predators usually #1 problem

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Slide 20

What Exotic Species are Poised to Colonize Georgetown Lake?

- Key Issues
  - Many exotics bring undesired change
  - Heavy use = transportation risk
- Approach
  - Coordinate with FWP to assess which exotics are poised to invade

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Slide 21

Post Project Monitoring

- Recommend future agency sampling for
  - DO
  - Fisheries
  - Other issues revealed by study
- Seek funding for issues we identify
  - Step 1 identify any changes in lake
  - Step 2 investigate the causes

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